

ESTTA Tracking number: **ESTTA52414**

Filing date: **11/08/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Emilio Pucci International B.V.
Granted to Date of previous extension	11/09/2005
Address	Cattenhagestraat 8a Naarden, 1411 CT NETHERLANDS

Attorney information	Julia Anne Matheson Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001 UNITED STATES docketing@finnegan.com, rose.davis@finnegan.com, julia.matheson@finnegan.com
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Applicant Information

Application No	76608841	Publication date	07/12/2005
Opposition Filing Date	11/08/2005	Opposition Period Ends	11/09/2005
Applicant	Arden Accessories, Inc. 617 W. Olympic Blvd.		

	Montebello, CA 90640 UNITED STATES
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Goods/Services Affected by Opposition

Class 018. All goods and seviles in the class are opposed, namely: HANDBAGS, PURSES, WALLETS, TRAVEL BAGS AND SHOULDER BAGS

Attachments	0007872.PDF (5 pages)
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Signature	/Julia Anne Matheson/
Name	Julia Anne Matheson
Date	11/08/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EMILIO PUCCI INTERNATIONAL B.V.,)	
)	
Opposer)	
)	
v.)	
)	Opposition No. _____
ARDEN ACCESSORIES, INC.,)	
)	
Applicant.)	
)	
)	
)	

NOTICE OF OPPOSITION

Applicant Serial No.: 76/608,841
Filed: August 26, 2004
Published for Opposition: July 12, 2005
Mark: D & PUCCI (stylized)

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Emilio Pucci International B.V., a corporation organized and existing under the laws of the Netherlands, having an office and place of business at Cattenhagestraat 8a 1411 CT Naarden, Netherlands ("Opposer"), believes that it is being and will be damaged by the registration of the mark D & PUCCI (stylized) shown in Application Serial No. 76/608,841, and hereby opposes the same.

As grounds for opposition, Opposer alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

1. Upon information and belief, Applicant Arden Accessories, Inc. is a California corporation with an address at 617 W. Olympic Blvd., Montebello, CA 90640.

2. On or about August 25, 2004, Applicant filed the subject Application Serial No. 76/608,841 under Section 1(b) claiming an intent to use the mark D & PUCCI (stylized) for "handbags, purses, wallets, travel bags and shoulder bags" in Class 18 (the "Application").

3. For over a half century, Opposer has been in the business of designing, producing, marketing, distributing, and selling luxury goods, including apparel, handbags and other leather products, accessories, eyewear, rugs, pillows, home accessories, fabrics, and related goods, all under the EMILIO PUCCI and PUCCI marks.

4. Sales of EMILIO PUCCI and PUCCI products have been substantial, amounting to many millions of dollars of products sold worldwide.

5. Opposer Emilio Pucci International B.V. is the owner of, among others, the following United States trademark applications and registrations for the marks EMILIO PUCCI and PUCCI falling in Classes 3, 9, 14, 18, 20, and 25:

Mark	Reg./ App. No. & Date	Goods/Services
EMILIO PUCCI (stylized)	838,931 November 14, 1967	3 - Perfumes
EMILIO PUCCI	1,675,914 February 18, 1992	25 - Children's clothing; namely, [cloth diaper pants, rompers,] lounge robes, blouses, shirts, pants, dresses, [raincoats], jackets [and suits]
EMILIO PUCCI	1,687,909 May 19, 1992	25 - Ladies' tailored apparel; namely, dresses, scarves, lingerie, hats, bathing suits, skirts, blouses, slacks and [footwear]

Mark	Reg./ App. No. & Date	Goods/Services
EMILIO PUCCI	1,689,743 June 2, 1992	18 - Leather goods; namely, ladies' handbags, tote bags, luggage, wallets, [and umbrellas]
PUCCI	2,760,935 September 9, 2003	20 - Furniture, fitted fabric furniture covers
EMILIO PUCCI (stylized)	76/480,947 January 7, 2003	25 - Footwear
EMILIO PUCCI	76/480,948 January 7, 2003	3 - Cologne, perfume, toilet water, after bath oils and lotions, dusting powder, toilet soap for women, after shave lotion and skin conditioner for men 9 - Eyeglasses and eyeglass cases 14 - Jewelry and items made of precious metal, namely, necklaces, brooches, bracelets, key chains and metal belts

6. Each of the foregoing registrations are valid and subsisting and constitute *prima facie* evidence of the validity of the marks and registrations, of Opposer's ownership of and exclusive right to use the marks in commerce, and provide constructive notice of ownership thereof by Opposer.

7. Opposer has continuously used the EMILIO PUCCI and PUCCI marks in commerce since long prior to Applicant's August 26, 2004 filing date.

8. Each of Opposer's pleaded registrations were filed and issued well prior to the Application's August 26, 2004 filing date.

9. Opposer Emilio Pucci International B.V.'s Application Serial No. 76/480,947 for the mark EMILIO PUCCI (stylized) for "footwear" was filed on January 7, 2003, well prior to the Application's filing date.

10. Opposer Emilio Pucci International B.V.'s Application Serial No. 76/480,948 for the mark EMILIO PUCCI for "cologne, perfume, toilet water, after bath oils and lotions, dusting powder, toilet soap for women, after shave lotion and skin conditioner for men" in Class 3; "eyeglasses and eyeglass cases" in Class 9; and "jewelry and items made of precious metal, namely, necklaces, brooches, bracelets, key chains and metal belts" in Class 14, was filed on January 7, 2003, well prior to the Application's August 26, 2004 filing date.

11. As a result of Opposer's extensive sales, promotion, advertising, and commercial success, Opposer's EMILIO PUCCI and PUCCI marks have achieved such widespread public recognition that these marks have become famous.

12. Opposer's EMILIO PUCCI and PUCCI marks became famous well prior to the August 26, 2004 filing date of Application Serial No. Serial No. 76/608,841.

COUNT I: LIKELIHOOD OF CONFUSION

13. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 12.

14. Applicant's D & PUCCI (stylized) mark so resembles Opposer's marks in sound, appearance, and overall commercial impression as to be likely, when applied to the parties' respective products, to cause confusion, or to cause mistake, or to deceive.

COUNT II: DILUTION

15. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 14.

16. In view of the similarities of the parties' marks and the fame of Opposer's EMILIO PUCCI and PUCCI marks, Applicant's mark D & PUCCI (stylized) so closely

resembles Opposer's famous marks and names EMILIO PUCCI and PUCCI that it is likely to dilute and will dilute the distinctive quality of Opposer's marks.

WHEREFORE, Opposer believes that it is being, and will be damaged by the registration of the mark shown in Application Serial No. 76/608,841 and requests that the opposition be sustained, and that registration to Applicant be refused.

Any deficiency in the fee should be charged to our Deposit Account No. 06-0916.

Respectfully Submitted,

Dated: November 8, 2005

By: 

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